

Part 4

Public Prosecutor Duties

17-18a-401 Public prosecutor powers and duties.

An attorney who serves as a public prosecutor shall:

- (1) except for a prosecution undertaken by a city attorney under Section 10-3-928, conduct, on behalf of the state, all prosecutions for a public offense committed within a county or prosecution district;
- (2) conduct, on behalf of the county, all prosecutions for a public offense in violation of a county criminal ordinance; and
- (3) perform all other duties and responsibilities as required by law.

Enacted by Chapter 237, 2013 General Session

17-18a-402 Pretrial responsibilities.

- (1)
 - (a) A public prosecutor shall:
 - (i) institute proceedings before the proper court:
 - (A) for the arrest of a person charged with a public offense; or
 - (B) if the prosecutor has probable cause to believe that a public offense has been committed and a grand jury has been convened by a court;
 - (ii) draw all indictments and information for offenses against:
 - (A) the laws of the state occurring within the county; and
 - (B) the criminal ordinances of the county;
 - (iii) cause all persons under indictment or informed against to be speedily arraigned for crimes charged; and
 - (iv) issue subpoenas for all witnesses for the state or for the county in the prosecution of a criminal ordinance.
 - (b) A public prosecutor described in Subsection (1)(a)(i)(B) shall:
 - (i) assist and attend the deliberations of the grand jury; and
 - (ii) prepare all necessary indictments and arrange for the subpoena of witnesses to appear before the grand jury.
- (2) The public prosecutor may:
 - (a) examine as to the sufficiency of an appearance bond that may be tendered to the court; and
 - (b) upon a court order:
 - (i) institute proceedings for the recovery upon forfeiture of a bond running to the state or county; and
 - (ii) enforce the collection of a bond described in Subsection (2)(b)(i).
- (3) The public prosecutor is authorized to grant transactional immunity to a witness for violation of a state statute or county criminal ordinance.

Enacted by Chapter 237, 2013 General Session

17-18a-403 Appeal.

- (1) A public prosecutor shall assist and cooperate, as required by the attorney general, in a case that may be appealed to the Court of Appeals or Utah Supreme Court regarding a criminal violation of state statute.

- (2) A public prosecutor shall appear and prosecute all appeals, in the appropriate court, for a crime charged as a misdemeanor in district court or as a violation of a county criminal ordinance.

Enacted by Chapter 237, 2013 General Session

17-18a-404 Juvenile proceedings.

For a proceeding involving a charge of juvenile delinquency, a public prosecutor shall appear and prosecute for the state in the juvenile court of the county.

Enacted by Chapter 237, 2013 General Session

17-18a-405 Civil responsibilities of public prosecutors.

A public prosecutor may act as legal counsel to the state, county, government agency, or government entity regarding the following matters of civil law:

- (1) bail bond forfeiture actions;
- (2) actions for the forfeiture of property or contraband, as provided in Title 24, Forfeiture and Disposition of Property Act;
- (3) civil actions incidental to or appropriate to supplement a public prosecutor's duties, including an injunction, a habeas corpus, a declaratory action, or an extraordinary writ action, in which the interests of the state may be affected; and
- (4) any other civil duties related to criminal prosecution that are otherwise provided by statute.

Amended by Chapter 189, 2014 General Session